

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Kenneth B. Rosemond,)	C.A. No. 6:16-0762-HMH-KFM
)	
Plaintiff,)	OPINION & ORDER
)	
vs.)	
)	
Daniel C. Rattray, Department of Veterans)	
Affairs, Office of the Regional Counsel; and)	
Kathryn Simpson, Chief Counsel, Office of)	
the General Counsel,)	
)	
Defendants.)	

This matter is before the court on Kenneth B. Rosemond’s (“Rosemond”) pro se motion for reconsideration, which the court construes as a motion for relief from judgment pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. For the reasons set forth below, the court denies Rosemond’s motion.

The court previously summarily dismissed Rosemond’s complaint claiming medical malpractice by providers with the Department of Veterans Affairs in an order dated November 17, 2016, because Rosemond’s claim was time barred. (Nov. 17, 2016 Order, ECF No. 38.) On January 12, 2017, Rosemond filed the instant motion. Rule 60(b) “invest[s] federal courts with the power in certain restricted circumstances to vacate judgments whenever such action is appropriate to accomplish justice.” *Compton v. Alton S.S. Co.*, 608 F.2d 96, 101-02 (4th Cir. 1979) (internal quotation marks omitted). “The remedy provided by the Rule, however, is extraordinary and is only to be invoked upon a showing of exceptional circumstances.” *Id.* at 102. Rosemond cites no facts or errors of law in support of his motion.

(Mot. Relief. J., ECF No. 67.) Based on the foregoing, the court finds that Rosemond has made no showing of exceptional circumstances or defects in the court's order.

It is therefore

ORDERED that Rosemond's motion for relief from judgment, docket number 41, is denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
January 17, 2017

NOTICE OF RIGHT TO APPEAL

The Movant is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.